

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT TAYLOR	:	CIVIL ACTION
a/k/a JAMES SMITH	:	
	:	
vs.	:	
	:	
JEFF COLEMAN, et al.	:	NO. 08-5176

MEMORANDUM

ROBERT F. KELLY, Sr. J.

JULY 28, 2009

On June 24, 2009, this Court dismissed Robert Taylor's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, without prejudice, for failure to exhaust state court remedies and we denied a certificate of appealability.

On July 21, 2009, Petitioner filed a document titled "Relief From Judgment or Order F.R.Civ.P. 60(b)."

As the Commonwealth points out in its response to the Motion, on June 11, 2008 the Superior Court issued an Opinion denying Petitioner's claims, but remanding to the PCRA Court for further proceedings. (Memorandum Opinion attached as Exhibit B to Commonwealth's response). Before the remand could occur Petitioner sought allocatur review from the Pennsylvania Supreme Court. On July 9, 2009 the Pennsylvania Supreme Court denied Petitioner's request for allocatur. Now that the Supreme Court proceedings have concluded, Petitioner may amend his PCRA petition to add claims as authorized in the superior court opinion of June 11, 2008. Since several of the claims in the present habeas petition relate to those claims Petitioner must exhaust those claims in the additional PCRA proceedings granted by the

Pennsylvania Superior Court. Therefore the petition remains mixed and the circumstances remain the same as they were when this Court dismissed the original habeas petition.

We therefore enter the following Order.